## BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

MARION RYLES	)	
Claimant	)	
VS.	)	
	) Docket No. 202	2,636
SUBURBAN CONTRACTORS, INC.	)	
Respondent	)	
AND	)	
	)	
LIBERTY MUTUAL INSURANCE COMPANY	)	
Insurance Carrier	)	

## ORDER

On September 16, 1997, the application of claimant for review by the Workers Compensation Appeals Board of the Award of Administrative Law Judge Steven J. Howard dated April 9, 1997, came on for oral argument in Kansas City, Kansas.

## **A**PPEARANCES

Claimant appeared by and through his attorney, Timothy J. Pringle of Overland Park, Kansas. Respondent and its insurance carrier appeared by and through their attorney, James K. Blickhan of Kansas City, Missouri. There were no other appearances.

At oral argument the Appeals Board was advised by the parties that this matter had been resolved and the appeal by claimant from the Award of Judge Howard could be dismissed. Claimant advised the primary issue in this matter dealt with the constitutionality of K.S.A. 44-501(c). The decision rendered by the Supreme Court in <u>Injured Workers of America</u>, et al. v. Franklin, No. 77,142 (July 18, 1997) has resolved this issue.

## AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the appeal filed by claimant in the above matter should be dismissed and the Award entered

by Administrative Law Judge Steven J. Howard dated April 9, 1997, remains in full force and effect.

IT IS SO ORDERED.		
Dated this day of September 1997.		
	BOARD MEMBER	
	BOARD MEMBER	
	BOARD MEMBER	

c: Timothy J. Pringle, Overland Park, KS James K. Blickhan, Kansas City, MO Steven J. Howard, Administrative Law Judge Philip S. Harness, Director